

# EXHIBIT D

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Filed & Recorded in  
Official Records of  
TRUSTEE County  
Della Briones  
County Clerk  
Fees \$8.00

NOTICE OF SALE BY SUBSTITUTE TRUSTEE

STATE OF TEXAS )  
                    )  
COUNTY OF EL PASO )

WHEREAS, on June 29, 2007, CDB Falcon Sunland Plaza, L.P., a Texas limited partnership, executed a Deed of Trust conveying to Arthur Rendak, as Trustee, the real property hereinafter described to secure Inland Mortgage Capital Corporation, a Maryland corporation, as Beneficiary, in the payment of that certain Promissory Note dated June 29, 2007, in the original principal sum of \$6,771,000.00, and all renewals and extensions thereof, said Deed of Trust is recorded as Document No. 20070061798, Real Property Records of El Paso County, Texas; and

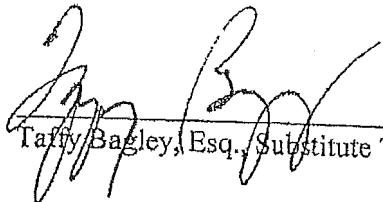
WHEREAS, in accordance with the Deed of Trust the Beneficiary appointed Taffy Bagley, Esq. to act as Substitute Trustee; and

WHEREAS, default has occurred in the payment of the above referenced Note and the principal of said Note plus accrued interest thereon is now wholly due, and Inland Mortgage Capital Corporation, a Maryland corporation, as Beneficiary, has requested the undersigned to sell the property described in said Deed of Trust and hereinafter described to satisfy said indebtedness.

NOW, THEREFORE, notice is hereby given that on Tuesday, the 1<sup>st</sup> day of September, 2009 between 10:00 a.m. and 1:00 p.m. of that day, I will sell said property inside the first floor lobby of the El Paso County Courthouse located at 500 East San Antonio Avenue, El Paso, El Paso County, Texas, to the highest bidder for cash. Said

real property is described on Exhibit A which is attached hereto and incorporated herein for all purposes.

EXECUTED this 11 day of August, 2009.

  
\_\_\_\_\_  
Taffy Bagley, Esq., Substitute Trustee

STATE OF TEXAS )  
                    )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on August 11, 2009, by Taffy Bagley, Esq., as Substitute Trustee.

Brenda H. Overton  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

My commission expires:

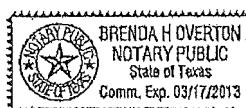


EXHIBIT A

LEGAL DESCRIPTION

The parcel of land herein described is a 4.371-acre portion of Lot 1, Block 1, Coronado Del Sol (Book 61, Pages 4 – 4C, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at a centerline P.T. of South Mesa Hills Drive (120-foot right-of-way; Coronado Del Sol), from which a city monument at the centerline intersection of South Mesa Hills Drive and Bluff Ridge Drive (70-foot right-of-way; Coronado Del Sol) bears South  $88^{\circ}29'31''$  East, a distance of 1614.61 feet; Thence, 431.48 feet along the centerline of South Mesa Hills Drive and along the arc of a curve to the left, having a radius of 600.00 feet, a central angle of  $41^{\circ}12'11''$ , and a chord which bears South  $57^{\circ}44'22''$  East, a distance of 422.24 feet; Thence, South  $11^{\circ}39'32''$  West, a distance of 59.21 feet to a 5/8" rebar with cap marked "Conde TX 2665" found on the southerly right-of-way of South Mesa Hills and the POINT OF BEGINNING of this description;

THENCE, 129.91 feet along said right-of-way and along the arc of a curve to the left, having a radius of 621.64 feet, a central angle of  $11^{\circ}58'26''$ , and a chord which bears South  $83^{\circ}38'10''$  East, a distance of 129.68 feet to a found 1/2" rebar with cap marked "SLI TX 2998";

THENCE, 107.40 feet continuing along said right-of-way and along the arc of a curve to the left, having a radius of 660.00 feet, a central angle of  $09^{\circ}19'24''$ , and a chord which bears North  $85^{\circ}42'55''$  East, a distance of 107.28 feet to a chiseled "X" set on the westerly boundary of that certain parcel of land described December 23, 1991, in Book 2383, Page 1059, Deed Records, El Paso County, Texas;

THENCE, South  $10^{\circ}14'55''$  East, along said boundary, a distance of 630.92 feet to a concrete nail and shiner found on the southerly boundary of that certain parcel of land described July 14, 2006, in Clerk's File No. 20060067480, El Paso County Clerk's Records, El Paso County, Texas;

THENCE, South  $75^{\circ}44'21''$  West, along said boundary, a distance of 117.66 feet to a set 5/8" rebar with cap marked "RPLS 4178";

THENCE, South  $74^{\circ}23'36''$  West, continuing along said boundary, a distance of 96.46 feet to a 1/2" rebar with cap marked "SLI TX 2998" found on the easterly boundary of that certain parcel of land described June 30, 1995, in Book 2922, Page 1125, Deed Records, El Paso County, Texas;

THENCE, North  $37^{\circ}08'17''$  West, along said boundary, a distance of 177.52 feet to a found PK nail;

THENCE, North  $52^{\circ}51'43''$  East, continuing along said boundary, a distance of 70.11 feet to a found 5/8" rebar with cap marked "Conde TX 2665";

THENCE, North  $37^{\circ}08'17''$  West, continuing along said boundary, a distance of 298.61 feet to a found PK nail;

THENCE, North  $19^{\circ}09'11''$  East, continuing along said boundary, a distance of 275.51 feet to the POINT OF BEGINNING of this description.

Said parcel of land contains 4.371 acres (190,405 square feet) of land more or less.